

# SUPREME COURT UPHOLDS VALIDITY OF WATER MAINS ASSESSMENT LAW

## MANY MILLIONS TO BE EXPENDED IN IMPROVEMENTS

Contracts That Have Been Held in Abeyance May Now Be Carried Out as Originally Authorized.

The announcement by the state supreme court that the district assessment law providing for the payment of the cost of water mains is valid means that millions more will be spent in Portland for street improvements during the coming year than would have been expended if the suit brought by Attorney R. H. Lamson had gone against the city.

(Salem Bureau of The Journal.) Salem, Or., March 29.—In an opinion written by Associate Justice McBride, the case of Irving Real Estate Company vs. City of Portland was affirmed today, and the right of the city of Portland to make the entire method prescribed in the city's charter for levying and collecting drain and sewer assessments applicable to street improvements was clearly established.

The case was tried before Judge Robert G. Morrow in the circuit court for Multnomah county, and his decree in favor of the city is upheld by the supreme court.

The opinion is a short one. "The first point raised by the appellant real estate company, attacking the validity of the enactment of the act is held to have been fully discussed and decided in McKenna vs. City of Portland," says Justice McBride, "wherein the initiative amendment is held to give the people of Portland power to change their charter in respect to provisions of this order."

"The other question raised in the appellant's brief goes to the authority of the city to assess the cost of improvements upon the property benefited. "That part of the amendment granting power to construct and lay water mains reads as follows:

"After the taking effect of this act all water mains laid or constructed in the City of Portland shall be laid, constructed, assessed and paid for in the same manner as provided by article VI of chapter 6 of the charter of the City of Portland, with reference to the construction, assessment and payment of sewers and drains in said city."

"It is clear, therefore," says Justice McBride, "that the intent of the law-making power in enacting the amendment now in question was to provide for the payment of the cost of construction of water mains, by assessment upon the property benefited by the improvement."

Though the enactment may have been

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## JUDGE BOWERS TO SUCCEED BREWER IN HIGHEST COURT

Associate Justice Victim of a Sudden Attack of Apoplexy; Western Man From Federal Court in Kansas.

(Washington Bureau of The Journal.) Washington, March 29.—Lloyd M. Bowers of Illinois is said to be slated to succeed David J. Brewer, late associate justice of the supreme court of the United States, who died last night. It is claimed by some that since Melville W. Fuller, now chief justice, is from Illinois, the new justice might come from Kansas or Missouri.

Washington, March 29.—David J. Brewer, aged 73 years, associate justice of the supreme court of the United States died suddenly last night of apoplexy. The end was altogether unexpected. Although he had not been feeling well for the last few days, the famous jurist was in good spirits at dinner and spent the evening reading. Shortly before 10 o'clock Justice Brewer retired to his room. Mrs. Brewer heard a heavy fall and went to investigate. She found her husband prone on the floor of the bathroom. He did not regain consciousness and died before a physician could reach the house.

Justice Brewer came to the supreme court of the United States from the federal court of Kansas. He was the second oldest member of the court, Justice Harlan only being his senior. He was regarded as the most democratic of all the members of the court, most affable, approachable and accommodating.

Justice Brewer essentially was a western man and his sympathies were always with the west. He was deeply versed in corporation law and will be missed immensely during the framing of the opinions of the supreme court on the momentous questions concerning the Standard Oil and the tobacco cases now under consideration.



W. H. Moore, president of the defunct Oregon Trust & Savings Bank.

## BANKER MOORE, ON STAND, THROWS GUILT ON MORRIS

Throwing the guilt of high finance in the Oregon Trust & Savings bank on W. Cooper Morris, giving the lie to testimony of E. E. Lytle, protesting his ignorance of the big Golden Eagle overdrafts and of several bad notes, denying that he was in the bank when the draft of Minnie Mitchell was deposited, and declaring he believed the bank was solvent up to the moment it closed its doors, Walter H. Moore took the stand in his own defense this morning in his trial on the charge of receiving a deposit when he knew the bank was insolvent.

Moore faced the jury calmly and spoke in a conversational tone in giving his story. Starting with a recital of his early life, he was little interrupted as he proceeded to unfold his version of the Oregon Trust failure.

Denies Allegations. Damaging facts shown by the state were placed in softer light or given straight denial, but never with any show of indignation or feeling. The spectator, unapprised of the tremendous importance of his testimony to himself and to the thousands interested in the affairs of the bank of which he was president, might have supposed he was reciting off hand the details of some business deal of no particular import.

In an hour and a half this morning C. W. Fulton, his chief counsel, had deftly led him over the sad trail of the last days of the bank, drawing out the history of the Royal of Trade building deal, the alleged deceit of W. Cooper Morris in the Golden Eagle transaction and the denial of incriminating statements of E. E. Lytle. Through it all there ran a plaintive strain, a half expressed appeal of a man unacquainted with the mysteries of bookkeeping and misled by members of his business household.

Moore declared that he, as well as

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## VILLAGERS NEAR ETNA ORDERED TO REMOVE FROM DANGER ZONE

(United Press Leased Wire.) Catania, March 29.—The civil authorities today ordered 75,000 residents of the southern slope of Mount Etna and vicinity to abandon their homes in anticipation of a great eruption of the volcano.

The action was based upon an official report by a party of scientists, who risked their lives in climbing the mountain and making an examination of several of the craters. The scientists could approach only the lower fissures on the mountain and this they did at imminent risk of suffocation.

The report shows that Etna is choked with masses of rock and ashes. The constantly recurring explosions within the craters lead to the belief on the part of the observers that Etna will soon burst the temporary barrier.

The scientists also regard the actions of Mount Vesuvius as significant. When Etna recently subsided Vesuvius became active. Now, save for a thin column of smoke, Vesuvius is quiet. Etna is in an active state. This leads scientists to believe that the volcano has a subterranean communication. It is stated that the recent eruption of Etna prevented a great earthquake. In view of this belief and the present choking of the craters on Etna, observers here believe that unless the volcano throws off the clogging obstacle another great earthquake will strike the inhabitants of the

## JAPANESE CONSUL IMPLICATED AS A SPY, IS REPORT

Two Japanese Officers Arrested Said to Have Had Drawings of Corregidor Fortifications in Their Possession.

## GOVERNOR MAY DEMAND RECALL OF THE CONSUL

Islands Are Overrun With Spies and Much Excitement Reigns.

(United Press Leased Wire.) Manila, March 29.—Citizens were much aroused here today by a wide-spread report that the Japanese consul is implicated with the two Japanese officers who are said to have had rough sketches of the Corregidor fortifications in their possession.

While Governor Forbes has made no statement, it is reported that he will probably demand the recall of the consul. Should such a demand be met with refusal, it is said the consul's passport will be returned to him.

The two alleged spies are under arrest. They are imprisoned at Bilbid, where they will be held until instructions are received from Secretary of War Dickinson at Washington.

It is known here that the islands are overrun with spies and the fact that they are operating in the islands is causing much excitement.

## CHAMBERLAIN HAS SENATE AROUSED ON CONSERVATION

In His First Set Speech He Upholds Roosevelt Policies and Sternly Rebukes Congressional Prodigality.

(United Press Leased Wire.) Washington, March 29.—While there has been conservation of natural resources at the presidential spot, there has been enormous waste going on at the congressional bang, declared Senator Chamberlain of Oregon today, speaking on the bill empowering the president to withdraw public lands for forestry sites and other purposes. Chamberlain favors the measure, and on it he delivered his first set speech.

The bill specifies that the president may withdraw land for water power sites, irrigation, forestry reserves, classification or other public purposes. In giving his reasons for favoring the measure Chamberlain said that first, the main principle involved, the right of the president to withdraw portions of the public domain from entry, settlement or sale, had been approved by every department of the government from the earliest days.

The exercise of power necessary to protect from legislative improvidence what was left of the public domain made the bill advisable, he declared. He argued that it was necessary to conserve undisposed and unappropriated natural resources and favored the bill as the best plan for accomplishing this purpose.

He cited a number of federal court decisions upholding the president's power to withdraw lands, contending that

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## Get the Baseball Extra of The Journal

Beginning tomorrow the regular baseball extra, or 5:30 o'clock edition of The Journal, will start off with Portland vs. San Francisco, at San Francisco. Oakland vs. Sacramento, at Sacramento. Vernon vs. Los Angeles, at Los Angeles. United Press leased wire service to the ball grounds. Special baseball gossip by experts. All the latest sporting news in this special edition which will be a complete newspaper including all late happenings of the day up to 5:30 o'clock

## NEW YORK'S LATEST SCANDAL



Group of men who are the central figures in the New York insurance investigation scandal. In the upper picture, Superintendent of Insurance Hotchkiss (standing), is quizzing Frank Julian Price, a witness with a faulty and changeable memory with respect to men and things along the insurance lines with which he has been familiar in the past. Below on the left is George F. Seward, president of the Fidelity Casualty Insurance company, who claimed an attempt was made to hold his company up for \$10,000 by a man who said he

## FIVE DAY BOAT SERVICE BETWEEN PORTLAND AND COOS BAY IS PROBABLE

C. J. Mills, vice president and general manager of the Portland & Coos Bay Steamship company, was authority for the statement this morning that that company will probably institute a five day service between Portland and Coos Bay in the very near future and that it will be a daylight service, the steamer leaving this port in the morning instead of at night. It is possible that we may not be able to give that service but we will institute a six day service at the very least. "As our boat will be the only one on the run," said Mr. Mills, "and as we are going to try and show the people of Portland and Marshfield what we can do in the matter of giving them a good service, we have decided to try and give a five day service between Portland and Coos Bay points. It is possible that we may not be able to give that service but we will institute a six day service at the very least." When asked how soon the new schedule would go into effect, Mr. Mills said that he was not certain, as he has just returned from a two month trip to New York City and other eastern points, and that until he had returned to Marshfield to look up some matters in connection with the steamer on that line he would not be in a position to say. "I shall probably start the daylight service before the return of the Break-

## ROOSEVELT IS NOT ATTACKED FOR HIS LATEST SPEECH

Has Heart to Heart Talk With Nationalist Editors and Criticisms Are Reserved for His Departure.

## COLONEL IS CREDITED WITH MUCH CLEVERNESS

No Other Person Has Dared Talk to Nationalists as Has the Ex-President.

(United Press Leased Wire.) Cairo, March 29.—Several thousand nationalists made a demonstration this evening before Sheppard's hotel, where Roosevelt is a guest, following Roosevelt's anti-nationalist speech of yesterday.

"Give us a constitution," they shouted. "Down with the autocratic government." Guests on the hotel veranda fled in terror from what they feared would prove a violent outbreak. Roosevelt paid no attention to the demonstration. The nationalists marched and counter-marched in front of the hotel, repeating their shouts for a constitution. They wore the red turbans of the Egyptian Nationalist party.

Cairo, Egypt, March 29.—Contrary to expectation, the nationalist press did not attack Roosevelt for yesterday's speech. The nationalist comment following the Khartoum speech was very bitter. Today there was no trace of bitterness.

The absence of severe criticism is attributed to the heart to heart talk Roosevelt had Sunday with the nationalist editors, telling them men must have the courage of their convictions and that they must be lenient with those who differ in their views.

Clever Political Stroke. Roosevelt is credited with a clever political stroke in coming here and telling the people what no other person has ever dared to tell them, and being able to make the people listen to him.

Despite the fact that there is little open comment, the nationalists keenly resent the speeches made here. They will not endeavor to make an issue of the speech until the colonel has departed, but it is believed here that later the nationalist press will comment more freely.

The Roosevelt party today visited the bazaars and spent the morning buying souvenirs. Later Commander Tanaka of the Japanese fleet called.

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## GREAT CONGESTION OF R. R. TRAFFIC IS HILL'S PREDICTION

Tonnage Increasing Too Rapidly for Railroads to Make Extensions to Meet Demands of Shippers.

(United Press Leased Wire.) Chicago, March 29.—James J. Hill today predicted that the railroads of the United States would experience next fall the greatest traffic congestion in their history and expressed the opinion that there was no way to prevent this state of affairs and that shippers who dispatched goods during this congested period would do so at their own risk.

"The tonnage offered the roads is increasing daily," Hill said, "and all indications are that before fall we will not be able to supply sufficient traffic units to care for it. Tonnage offered for shipment is growing at a much more rapid rate than are the facilities to handle it, and it does not take a mathematician to figure what these conditions will lead to. The roads are not to blame for this. It's next to impossible for them to raise money enough to make extensions as rapidly as they are needed. There appears to be difficulty ahead for the shipper and the carrier this year."

## NEW MOTOR CAR NOW ON RUN FROM ALBANY

(Special Dispatch to The Journal.) Albany, Or., March 29.—A 75 passenger motor car arrived here Sunday on its own wheels from Portland. It was yesterday placed on the Southern Pacific run between Albany and Springfield to accommodate the passenger traffic which could not be taken care of with the regular run of cars mixed train a day. The new motor car will leave Albany every morning at 7:30 o'clock, returning in the afternoon at 4 o'clock. On its return from Brownsville yesterday the car was crowded to overflowing with passengers, people who were anxious to have the first ride.

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